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Attorneys for Defendants,
TOTAL VEIN SOLUTIONS, LLC

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

TYCO HEALTHCARE GROUP LP d/b/a
VNUS MEDICAL TECHNOLOGIES,

Plaintiff/Counter-defendants,

v.

BIOLITEC, INC., DORNIER MEDTECH
AMERICA, INC., and NEW STAR LASERS,
INC., d/b/a COOLTOUCH, INC.,

Defendants/Counterclaimants.

)
) LEAD CASE NO. C08-3129-MMC
)
) (Consolidated Case No. C08-4234-MMC)
) ORDER APPROVING
) **STIPULATION AND [PROPOSED]**
) **ORDER TO PERMIT COUNSEL TO**
) **APPEAR BY TELEPHONE AT**
) **FURTHER STATUS CONFERENCE**
) **SET FOR NOVEMBER 6, 2009**
) **(Civil Local Rule 7-12)**

TYCO HEALTHCARE GROUP LP d/b/a
VNUS MEDICAL TECHNOLOGIES,

Plaintiff/Counter-defendants,

v.

TOTAL VEIN SOLUTIONS, LLC, d/b/a
TOTAL VEIN SYSTEMS,

Defendant/Counterclaimants.

1 WHEREAS, a Further Status Conference is scheduled to take place on November 6, 2009, at
2 10:30 a.m., in Courtroom No. 7, before the Honorable Maxine M. Chesney;

3 WHEREAS, lead counsel for the various defendants live and practice in various cities across
4 the country. Below-signed lead trial counsel for defendant biolitec, Inc. ("biolitec") live and practice
5 in Boston, Massachusetts. Below-signed lead trial counsel for defendant Dornier MedTech
6 America, Inc. ("Dornier") live and practice in Atlanta, Georgia. Below-signed lead trial counsel for
7 defendant New Star Lasers, Inc. d/b/a Cooltouch, Inc. ("Cooltouch") live and practice in Irvine,
8 California. Below-signed lead trial counsel for defendant Total Vein Solutions, LLC d/b/a Total
9 Vein Systems ("TVS") live and practice in La Jolla/San Diego, California;

10 WHEREAS no motions are set for argument at the hearing set for November 6, and counsel
11 each believe the hearing will be relatively brief and relate only to case status updates and other
12 straightforward and brief procedural matters;

13 WHEREAS counsel believe the benefit of a personal appearance at a brief procedural
14 hearing is outweighed by the significant expense to each of the defendants for their respective
15 counsel to travel to San Francisco from the various cities in which each attorney practices;

16 WHEREAS plaintiff Tyco Healthcare Group LP d/b/a VNUS Medical Technologies
17 ("VNUS"), by and through their counsel of record, have agreed to the request by defense counsel to
18 appear by telephone;

19 NOW THEREFORE, defendants Cooltouch, biolitec, Dornier, TVS and plaintiff VNUS
20 Medical Technologies, Inc., by and through their respective counsel of record, hereby stipulate,
21 agree, and jointly apply to the Court for an Order in the above-entitled action permitting the below-
22 signed defense counsel to telephonically appear at the Further Status Conference set for November
23 6, 2009.

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1 Dated: October 27, 2009

Respectfully Submitted,

2 ATTORNEYS FOR DEFENDANT TOTAL
3 VEIN SOLUTIONS, LLC d/b/a TOTAL VEIN
4 SYSTEMS

5 By: /s/ Sean M. Sullivan

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12 ATTORNEYS FOR DEFENDANT BIOLITEC,
13 INC.

15 By: /s/ Michael N. Rader

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1 ATTORNEYS FOR DEFENDANT
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3 INC.

4 By: /s/ James W. Geriak
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25 ATTORNEYS FOR PLAINTIFF
26 VNUS MEDICAL TECHNOLOGIES, INC.

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1 Pursuant to General Order No. 45, I hereby attest that I have concurrence to file this
2 stipulation from all parties whose signatures are indicated by a “conformed” signature (/s/) within
3 this e-filed document.

4
5 /s/ Sean M. Sullivan

6 Sean M. Sullivan

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8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

9 Dated: November 3, 2009

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11 HON. MAXINE M. CHESNEY
12 United States District Judge
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